

3743

#7
4296-125 US 1 Cooper
8/20/02

The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 16, 2002.

OIP
JUL 25 2002
PATENT & TRADEMARK

COPY OF PAPERS
ORIGINALLY FILED


Diane Dunn McKay

COMMUNICATIONS OFFICE

JUL 22 PM 2:07

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Ijiri, Y. et al.

Serial No. 09/705,351

Filed: November 3, 2000

For: VERTICAL HEAT
EXCHANGER

Group Art Unit: 3743

Examiner: Atkinson, Christopher Mark

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

AUG - 5 2002

TECHNOLOGY CENTER R3700

SIR:

RESPONSE TO RESTRICTION REQUIREMENT

In a June 20, 2002 Office Action, the Examiner required restriction to one of the following species:

- A) The species as illustrated in Figure 5A
- B) The species as illustrated in Figure 5B
- C) The species as illustrated in Figure 5C
- D) The species as illustrated in Figure 5D
- E) The species as illustrated in Figure 9
- F) The species as illustrated in Figure 10
 - i) The subspecies as illustrated in Figure 2
 - ii) The subspecies as illustrated in Figure 3
 - iii) The subspecies as illustrated in Figure 4
 - iv) The subspecies as illustrated in Figure 6


- v) The subspecies as illustrated in Figure 7
- vi) The subspecies as illustrated in Figure 8
- G) The species as illustrated in Figure 11
- H) The species as illustrated in Figure 12

Applicants hereby elect with traverse Species F, as illustrated in Figure 10 and subspecies i), as illustrated in Figure 2. The claims readable on the elected species are claims 1, 4, 5 and 9-12 Applicants submit that a search of the vertical heat exchanger of claim 1 would uncover the species and subspecies of Figures 3, 4, 5A-5D and 6-9.

Applicants submit that claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim are the following: claim 1 (species F (Figure 10) and subspecies iv (Figure 6)), (species F (Figure 10) and subspecies v (Figure 7)) and (species F (Figure 10) and subspecies vi (Figure 8)). Applicants respectfully request the right to file a divisional application directed to the unelected claims.

A prompt action on the merits is earnestly solicited. The Examiner is invited to telephone the undersigned should he believe this would expedite prosecution of this application. It is believed no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,


Diane Dunn McKay
Reg. No. 34,586
Attorney for Applicant(s)

DATE: July 16, 2002

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.
100 Thanet Circle, Suite 306
Princeton, New Jersey 08540-3662
Telephone: (609) 924-8555
Telecopier: (609) 924-3036